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*Attorneys for Defendant BMO Nesbitt Burns Inc.,  
Scotia Capital Inc., and TD Securities Inc.  
(collectively, the “Underwriter Defendants”)*

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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MIDAS FUND, INC., x  
:  
Plaintiff, :  
:  
-against- :  
:  
GAMMON GOLD, INC., FRED GEORGE, :  
BRADLEY LANGILLE, RUSSELL :  
BARWICK, COLIN SUTHERLAND, BMO :  
NESBITT BURNS INC., SCOTIA :  
CAPITAL INC., and TD SECURITIES INC., :  
Defendants. :  
:  
:  
----- x

Index No. 07 CV 6707 (NRB)

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law in Support of Defendants’ Motion to Dismiss the Second Amended Complaint, and all prior pleadings and proceedings heretofore had herein, defendants BMO Nesbitt Burns Inc., Scotia Capital Inc., and TD Securities Inc. (collectively, the “Underwriters”) will move this Court, before the Honorable Naomi R. Buchwald, at the United States Courthouse, 500 Pearl Street, New York, 10007, on a date to be determined by the Court in accordance with the Stipulation

and Order entered by the Court on October 14, 2007, for an Order pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure and the Private Securities Litigation Reform Act of 1995 dismissing this action with prejudice for failure to state a claim and failure to plead fraud with particularity, and granting such other and further relief as the Court deems appropriate.

Dated: December 21, 2007  
New York, New York

FULBRIGHT & JAWORSKI L.L.P.  
*Attorneys for Defendant BMO Nesbitt Burns  
Inc., Scotia Capital Inc., and TD Securities Inc.*

By: /s/ Philip M. Smith  
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